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SelectHealth, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH CENTRAL DIVISION**

SelectHealth, Inc., a Utah corporation, Plaintiff, v. James E. Risinger II, an individual, Defendant.

**SCHEDULING ORDER AND
ORDER VACATING HEARING**

Civil Action No. 2:13-cv-00773-TS

The Honorable Ted Stewart

Pursuant to Fed. R. Civ. P. 16(b), the Magistrate Judge¹ received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

The Initial Pretrial Conference set for 7/9/2014 at 10:00 AM is VACATED.

¹ The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately assigned or referred to that Magistrate Judge.

1.	PRELIMINARY MATTERS	DATE
	Nature of claims and any affirmative defenses:	
a.	Was Rule 26(f)(1) Conference held?	yes
b.	Have the parties submitted the Attorney Planning Meeting Form?	yes
c.	Deadline for 26(a)(1) initial disclosure?	08/06/2014
2.	DISCOVERY LIMITATIONS	NUMBER
a.	Maximum Number of Depositions by Plaintiff(s)	3
b.	Maximum Number of Depositions by Defendant(s)	3
c.	Maximum Number of Hours for Each Deposition (unless extended by agreement of parties)	7
d.	Maximum Interrogatories by any Party to any Party	20
e.	Maximum requests for admissions by any Party to any Party	20
f.	Maximum requests for production by any Party to any Party	30
g.	Discovery of electronically stored information should be handled as follows: A party will have an obligation to produce all electronically stored information that can be located through a reasonably diligent search. All electronically stored information will be produced in native format with all associated metadata unless otherwise agreed to in writing. Should a party request electronic documents or information requiring extraordinary steps for search, retrieval, or production, the party to whom the request is directed shall object to such a request and state the basis of its objections with particularity. If, after meeting and conferring, the requesting party still desires production or conversion of such documents or information, the requesting party will be responsible for all costs and expenses incurred in the search, retrieval, and production of such documents or information, to the extent the Court determines the objection to be reasonable and such information to be discoverable, or otherwise ordered by the Court.	
h.	The parties shall handle a claim of privilege or protection as to trial preparation material asserted after production as follows: <i>See</i> FRCP 26(b)(5)(B); Fed R. Evd. 502(b).	

i.	Last day to serve written discovery:	03/17/2015
j.	Close of fact discovery:	04/17/2015
k.	(optional) Final date for supplementation of disclosures and discovery under Rule 26 (e):	10/06/2014
3.	AMENDMENT OF PLEADINGS/ADDING PARTIES²	DATE
a.	Last Day to File Motion to Amend Pleadings	01/20/2015
b.	Last Day to File Motion to Add Parties	01/20/2015
4.	RULE 26(a)(2) REPORTS FROM EXPERTS	DATE
a.	Parties bearing burden of proof	02/13/2015
b.	Rebuttal reports	03/02/2015
5.	OTHER DEADLINES	DATE
a.	Last day for Expert discovery	04/17/2015
b.	Deadline for filing dispositive or potentially dispositive motions	05/15/2015
c.	Deadline for filing partial or complete motions to exclude expert testimony	05/15/2015
6.	SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION	DATE
a.	Referral to Court-Annexed Mediation:	
b.	Referral to Court-Annexed Arbitration	
c.	The parties will complete Private Mediation/Arbitration by:	
d.	Evaluate case for Settlement/ADR on	05/04/2015
e.	Settlement probability:	Poor

² Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

*Specify # of days for Bench or Jury trial as appropriate.
The court will complete the shaded areas.*

7.	TRIAL AND PREPARATION FOR TRIAL	TIME	DATE
a.	Rule 26(a)(3) Pretrial Disclosures ³		
	Plaintiff		<u>08/14/15</u>
	Defendant		<u>08/28/15</u>
b.	Objections to Rule 26(a)(3) Disclosures (if different than 14 days provided in Rule)		<u>00/00/00</u>
c.	Special Attorney Conference ⁴ on or before		<u>09/11/15</u>
d.	Settlement Conference ⁵ on or before		<u>09/11/15</u>
e.	Final Pretrial Conference	2:30 p.m.	<u>10/05/15</u>
f.	Trial	<u>Length</u>	
	i. Bench Trial	<u># days</u>	<u>00/00/00</u>
	ii. Jury Trial	<u>3 days</u>	8:30 a.m. <u>10/19/15</u>

8. OTHER MATTERS

Counsel should contact chambers staff of the judge presiding in the case regarding Markman motions to determine the desired process for filing and hearing of such

³ The Parties must disclose and exchange any demonstrative exhibits or animations with the 26(a)(3) disclosures.

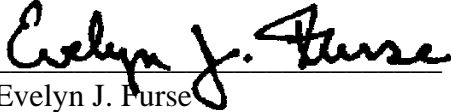
⁴ The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. The parties should schedule witnesses to avoid gaps and disruptions. The parties should mark exhibits in a way that does not result in duplication of documents. The pre-trial order should include any special equipment or courtroom arrangement requirements.

⁵ The Settlement Conference does not involve the Court unless the Court enters a separate order. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

motions. Parties should file all such motions and Motions in Limine well in advance of the Final Pre Trial.

Signed July 9, 2014.

BY THE COURT:

A handwritten signature in black ink, reading "Evelyn J. Purse". The signature is written in a cursive, flowing style. The first name "Evelyn" is written in a larger, more prominent script, followed by "J." and "Purse". The signature is positioned above a horizontal line.

Evelyn J. Purse
U.S. Magistrate Judge